

## REMARKS

Claim 39 has been amended. No new matter has been added. Claims 1-17 and 31-39 are pending in the application.

### Rejections under 35 U.S.C. § 102

Claim 39 was rejected under 35 U.S.C. § 102 over Bush, Jr. et al. (U.S. Pat. Nos. 3,908,495 and 3,799,015). The Office Action asserts that Bush, Jr. et al. disclose a method including placing a log on a conveyor, advancing the conveyor, discharging the log from the conveyor onto a transfer plate, placing the log into a pocket on a cutting support, rotating the pocket containing the log toward, through and away from a plurality of circular cutting blades and discharging rolls from the pocket.

The rejection of claim 39 under 35 U.S.C. § 103 has been obviated by appropriate amendment. As amended, claim 39 recites that, once a log is placed in the pocket on a cutting support, the pocket supports the log along the entire length. The support of a substrate log by the pocket along the length of the log is described in the specification, for example at page 7, lines 22-25 and at page 11, lines 23-25.

In contrast, the log processing machine of Bush, Jr. et al. is described as having "radially projecting arms 37 ... for receiving and supporting a log therein" (col. 5, lines 27-31 of '495 patent). Figures 1 and 2 of Bush, Jr. et al. show that there is substantial spacing between these narrow arms. Thus, the machine of Bush, Jr. et al. does not provide support along the length of a log when the log is being advanced toward a set of circular cutting blades. Moreover, there is no teaching or suggestion in Bush, Jr. et al. to provide a pocket that supports the log along the entire length. These references are directed to log processing machines for cutting logs of wood for the pulp industry (Abstract, lines 1-3), and disclose the use of auxiliary equipment such as fork lifts, which can only be used with rigid logs that require minimal support (col. 12, lines 6-9 of '495 patent).

The Bush, Jr. et al. references do not disclose each and every element of amended claim 39. Accordingly, claim 39 is not anticipated by the cited references, and Applicants request that this rejection be withdrawn.

### **Rejections under 35 U.S.C. § 103**

Claims 1-17 and 31-38 were rejected under 35 U.S.C. § 103(a) over Perini (U.S. Pat. No. 4,329,895) in view of Rood (U.S. Pat. No. 3,764,717) and Gingras et al. (U.S. Patent Application Publication No. 2003/0025029 A1). The Office Action asserts that the method of cutting a plurality of substrates of Perini can be combined with the method of using a conveyor of Rood. The Office Action further asserts that it would be obvious to use the combined method of cutting of Perini and Rood with a wet roll as disclosed in Gingras et al. The rejection of the claims under 35 U.S.C. § 103(a) is respectfully traversed. The applied references, alone or in combination, fail to provide each and every element of the claims.

#### **Claims 1-17**

Independent claims 1, 5 and 14 each recite a log having a moisture content of at least 50%, and independent claim 10 recites a log having a moisture content of at least 65%. Claim 1 recites a wound log of moist substrate, and claims 5, 10 and 14 specifically recite logs of wet wipes. The Office Action has attempted to provide a teaching or suggestion of the substrates as claimed through the disclosure of Gingras et al. However, Gingras et al. is not a proper reference against the present application. The present application was filed on December 22, 2000, prior to the July 6, 2001 filing date of the parent application for Gingras et al. and prior to the February 6, 2003 publication date of Gingras et al. Thus, U.S. Patent Application Publication No. 2003/0025029 A1 cannot be used, alone or in combination with other references, in a rejection under 35 U.S.C. § 103.

Neither Perini nor Rood disclose the transporting or cutting of wet wipes logs or wound logs having the claimed moisture content. Perini discloses only the cutting of sticks or cored rolls of toilet paper, which are rigid logs of dry material (col. 1, lines 8-11). Dry paper sheets typically have moisture contents below 10%. Rood discloses only the cutting of vegetables, rather than wet wipes logs or moist wound logs (col. 1, lines 9-11). These references do not teach or suggest, nor has the Office Action asserted that the references teach or suggest, cutting of logs having moisture contents

as recited in claims 1-17. Accordingly, a proper *prima facie* case of obviousness has not been presented against these claims, and Applicants request that this rejection be withdrawn.

Claims 31-38

Independent claims 31 and 35 each recite a flexible log. The methods recited in these claims provide particular advantages in the cutting of flexible substrates. These advantages are described in the specification, for example at page 8, lines 4-12 and at page 22, lines 23-30. As pointed out above, Perini discloses only the cutting of rigid logs, and Rood discloses only the cutting of vegetables. The substrates disclosed in the references are not subject to the same processing concerns as the flexible logs recited in the claims. The disclosure of Gingras et al. is not being considered, as this reference is not applicable to the present application.

The recitations in claims 31 and 35 regarding flexible logs still have not been specifically addressed in any of the three rejections to date. Thus, a *prima facie* case of obviousness has not yet been presented for claims 31-38. In the prior Amendment And Request For Reconsideration, filed April 17, 2003, Applicants requested, under 37 CFR 1.104(d)(2), that the Examiner provide documentary evidence in support of any teachings or suggestions of these claim elements, as well as for proper motivation to modify the Perini reference by using flexible logs. Beyond the inapplicable reference of Gingras et al., no documentary evidence has yet to be placed on the record. In the absence of a *prima facie* case of obviousness, claims 31-38 cannot be held to be obvious over Perini and Rood, alone or in combination, as the references do not teach or suggest each and every element of the claims.

Previous Arguments Not Yet Considered

In addition to the arguments above, Applicants point out that a number of claim elements have not yet been considered by the Office. These points were raised in the prior Amendment And Request For Reconsideration, filed April 17, 2003 in the context of Perini and McCown et al. (U.S. Pat. No. 4,468,993). Although the Office Action has

asserted that these arguments are moot, Applicants note that the Rood reference does not account for the disclosure, teaching or suggestion that was lacking in the prior combination of Perini and McCown et al. The Office Action has only applied Rood as disclosing a method of conveying a substrate to a transfer plate. However Applicants' previous arguments were not related to the conveyor aspect of the claimed method. For the sake of completeness, these differences between the claims and the cited references are again set forth.

Independent claim 5 recites that the log is cut while in a cutting position and that the log is held in a pocket without any clamps or mandrels. Specifically, claim 5 recites:

- ... b) advancing the pocket containing the log toward a cutting position;
- c) cutting the log into a plurality of rolls in the cutting position;
- d) the pocket maintaining the shape, integrity and position of the log as it is cut into rolls without the need for clamps and with out the need for a mandrel; ...

This cutting of a log in a cutting position is described in the specification, for example in Figures 2 and 36-38, at page 7, lines 22-27, at page 10, lines 7-11 and at page 14, lines 8-17. The maintenance of the shape, integrity, and position of the log without clamping the log is described in the specification, for example at page 7, lines 20-22 and at page 16, lines 6-17.

In contrast, Perini discloses the transportation of a log along a path in order to intersect a set of cutting blades so that the log is gradually cut (col. 1, lines 19-23; Figure 1). Thus, the Perini method gradually cuts the log along an extended path, rather than rapidly cutting the log in a specific cutting area. Rood specifically discloses that the vegetables are clamped "under a hold down belt 50" in order to secure the vegetable in the proper orientation (col. 4, lines 3-20). The references do not teach or suggest, nor does the Office Action assert that the references teach or suggest, a method including cutting a log in a cutting position while the log is held in a pocket without any clamps or a mandrel. Accordingly, and in addition to the reasons presented

above, claims 5-9 are not obvious over Perini and Rood, alone or in combination, since the references do not teach or suggest each and every element of the claims.

Independent claims 14 and 35 each recite that the cutting blades can be moved to an away position and can be honed while in the away position. This movement and honing of the cutting blades is described in the specification, for example in Figures 1, 5 and 6, and at page 21, lines 11-22. The Office Action asserts that Perini discloses honing the cutting blades in an away position, with reference to col. 3, lines 33-36 of Perini.

Applicants respectfully point out that Perini does not teach or suggest the movement of the blades to a different position in order to hone the blades. Rather, Perini discloses that the blades are kept stationary while grinding wheels "M" are moved between opposite ends of the blades on a carriage "36" (col. 3, lines 26-39). Rood does not teach or suggest, nor does the Office Action assert that Rood teaches or suggests, moving the cutting blades to an away position and honing the blades while in the away position. Accordingly, and in addition to the reasons presented above, claims 14-17 and 35-38 are not obvious over Perini and Rood, alone or in combination, since the references do not teach or suggest each and every element of the claims.

## CONCLUSION

In conclusion, all of the grounds raised in the outstanding Office Action for rejecting the application are believed to be overcome or rendered moot based on the remarks above. Thus, it is respectfully submitted that all of the presently presented claims are in form for allowance, and such action is requested in due course. Should the Examiner feel a discussion would expedite the prosecution of this application, the Examiner is kindly invited to contact the undersigned.

Respectfully submitted,

12/8/03

  
\_\_\_\_\_  
Jonathan P. Taylor, Ph.D.  
Registration No. 48,338  
Agent for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200